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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,680	09/11/2000	Takashi Omizo	04329.2394	5082
22852	7590	03/02/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			PRIETO, BEATRIZ	
			ART UNIT	PAPER NUMBER
			2142	5

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/659,680	OMIZO, TAKASHI
	<b>Examiner</b>	<b>Art Unit</b>
	B. Prieto	2142

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 September 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 September 2000 is/are: a) accepted or b) objected to by the Examiner/DRAFTSPERSON  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |



***DETAILED ACTION***

1. This communication is in response to application No. 09/659,680 filed 09/11/00, pending claims 1-12 have been examined as hereby set forth.
2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed of Japanese Patent Application No. 2000-208875, filed on July 10, 2000.
3. Claim 1 recites the clause or limitation "said interface and said wireless communication" in lines 9-11. Claim 4, recites the clause or limitation "even at said non-activation time" in lines 24-25. Claim 4 recites the clause or limitation "said non-activation time" on lines 24-25. Claim 5 recites the clause "which memory" on line 14. There is insufficient antecedent basis for this limitation in the claim. Correction is required.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fiske U.S. Patent No. 6,324,692.

Regarding claim 1, Fiske teaches substantial features of the invention as claimed teaching a computer system network (Fig. 4) comprising a computer (400) having a wireless communication function (480) for being managed by a computer terminal (500), including

a wireless communication interface (480) for wirelessly communicating with remote computer or host terminal (500) (col 6/lines 39-67);

software (450) (“system management controller) for performing system management functions (e.g. performing software upgrades from a remote host) management functions (col 3/lines 63-col 4/lines 34) instructed by said remote host or computer terminal (col 3/lines 29-44) communicatively coupled to the computer (400) via said wireless communication interface.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiske in view of Sakurai et. al. U.S. Patent No. 5,363,229 (Sakurai hereafter).

Regarding claim 2, Fiske does not explicitly teach the features in this claim;

Sakurai teaches a system/method relating a computer system (e.g. local area network) communicating over a wireless communication medium (col 1/lines 5-41), including a computer (62) storing information about itself (identification set therein see col 2/lines 13-15, self identification see col 3/lines 45-46);

detecting coincidence (5 of Fig. 1) between information within a received signal (“request”) sent from a computer or terminal (61) and said information about itself stored (col 2/lines 13-15, col 3/lines 65-col 4/line 19);

returning to said terminal (61) a response indicating that said computer receiving said received signal is communicating with (i.e. “connected”) with said terminal (col 4/lines 50-64) via a wireless communication interface (wireless receiving/transmitting wireless interfaces 1/9 of Fig. 1) (col 1/lines 30-41, col 3/lines 38-39, 60-62).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given Fiske suggestion where a managed computer communicates with a managing terminal indicating the said computer is communicating with said terminal and thereby performing managing functions as initiated and overseen by the managing terminal to include Sakurai’s teachings for including command, identifying and status information in the wireless transmission packet, thereby enabling a receiving

terminal perform the detection and responding steps disclosed above. Motivation would be to enable wireless communication with specific computers among a plurality of computer for performing managing operations remotely.

Regarding claim 12, this system management method is associated and substantially the same as computer system claims 1-2 when combined, thereby same rationale of rejection is applicable.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiske in view of Sakurai in further view of MacConnell U.S. Patent No. 5,398,280.

Regarding claim 3, neither Fiske nor Sakurai teach displaying a connection status.

MacConnell teaches a system/method relating communication between terminals for managing terminals remotely (abstract), including a display (Fig. 3, col 17/lines 29-37) for displaying an indication returned to managing computer indicating that a terminal is communicating (i.e. "connected") with another terminal, said display when a response indicating that that connection is established (col 5/lines 36-48, col 7/lines 36-56, col 26/lines 40-56).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of where a managed computer communicates with a managing terminal indicating the said computer is communicating with said terminal and thereby performing managing functions as initiated and overseen by the managing terminal to include MacConnell's teachings for communicating via a wireless communication interface capable of wireless communication with said terminal including a displayed connection indication, as taught by MacConnell. Motivation to combine the above teachings would be to configure a computer system with means for detecting coincidence between said computer system's address and the address received in a wireless communication message, enabling a computer system to respond to broadcast wireless communication received over an wireless communication interface, as taught by MacConnell, enabling Fiske's system to support wireless communication.

9. Claims 4-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et. al. U.S. Patent No. 6,334,147 in view of Cromer et. al. U.S. Patent No. 6,334,150 (referred to as Cromer-1 and Cromer-2 respectively).

Regarding claim 4, Cromer-1 teaches substantial features of the invention as claimed, teaching a system/method including the following elements of Figs. 1-2;

a communication interface (234) of computer system (104) capable of communication with a managing server terminal (100) (interface see col 4/lines 65-col 5/line 2, communication capable see col 5/lines 46-51);

system management controller (300) connected to said communication interface (234), said controller performing system management (e.g. initial setting configuration) commanded by said terminal (col 6/lines 4-39 and col 3/lines 7-48, 53-55), communication between said terminal and computer through said wireless communication with said terminal via said interface (col 5/lines 45-59); and

a system management bus (238) (col 5/lines 60-col 7/line 3), said bus is directly or indirectly connected to various information storing means (242 and 325) of said computer system, and where said bus is operable even at said non-activation time of said computer system (col 6/line 32-39);

said system management controller (300) including an information access means for writing/reading out information on said information storing means, via said system management bus, based on said commanded request from said terminal, when receiving a request for performing said information access means on said information storing means of said computer (col 6/lines 4-31); however does not teach wherein said interface for communicating with said terminal is wireless capable;

Cromer-2 teaches a wireless communication interface (328) of a computer system (104) capable of wireless communication with a managing server terminal (100) (interface 328 see col 6/lines 44-50 and col 3/lines 65-col 4/line 5); a system management controller (300) connected to said wireless communication interface (328) via a system management bus (238) (see Fig. 2); said system management controller (300) performing system management operation commanded by said server terminal (col 6/lines 26-36).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Cromer-1 for managing a computer system by a terminal in any type of network communicating over any type of data communication channel or using the highest performance connection technology between the server terminal and computer system, to utilize Comer-2's teachings. Motivation would be to enable the managed computer system with wireless communication interface means for receiving wireless communication from the remote managing computer terminal.

Regarding claim 5, Cromer-1 on Fig. 2 teaches a system comprising:

a bridge (212) connected to said system management bus (238) (Cromer-1 see Fig. 2);  
a non-volatile memory writable (242) for storing a basic input/output system program (col 4/lines 42-45), said non-volatile memory writable is connected to said bridge (212) and said system management bus (238) (Cromer-1 see Fig. 2),

said information access means of said system management controller gaining access to said non-volatile memory via said system management bus (Cromer-1 see col 6/lines 4-12) only at said non-activation time of said computer system (Cromer-1 see col 6/lines 32-39).

Regarding claim 6, Cromer-1 on Fig. 2 teaches a system comprising; a first bus (202) and a second bus (208), wherein a CPU (200) is connected to said first bus (202); a first bridge (204) to which said first bus (202), said second bus (208), and a main memory (206) that is one of said various information storing means (242) are connected (see Fig. 2); a second bridge (212) mutually connecting said second bus (208) and said system management bus (238) (see Fig. 2);

said information access means of said management controller for accessing said main memory via said system management bus, said second bridge, said second bus, and said first bridge, under control of said CPU at said activation time of said computer system (col 3/lines 29-41).

Regarding claim 7, Cromer-1 on Fig. 2 teaches a system comprising; a first bus (202) and a second bus (208), wherein a CPU (200) is connected to said first bus (202); a first bridge (204) mutually connecting said first bus (202) and said second bus (208) (see Fig. 2); a second bridge (212) to which said second bus (208), said system management bus (238), and a fixed disk drive (222) that is one of said various information storing means are connected (Fig. 2) (col 4/lines 8-33); said information access means of said system management controller gaining access to said disk drive (222) via said system management bus and said second bridge, under control of said CPU, at said activation time of said computer system (col 4/lines 8-33).

Regarding claim 9, this claim applies the functions above discussed on claim 8, further with respect to a second Bridge and disk drives (Cromer-1, elements 212 and 222 of Fig. 2 respectively), disk drives discussed on claims 6-7, same rationale of rejection is applicable.

Regarding claim 10, this claim is the computer management system associated with the computer system claim 1 and substantially the same, further having a plurality of computer system, thereby same rationale of rejection is applicable.

Regarding claim 11, LAN network (Cromer-1 see col 3/lines 56-col 4/line 7) where managing server computer communicates with system management controller as discussed on claim 4, same rationale of rejection is applicable.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer-1 in view of Cromer-2 in further view of Maruyama et. al. U.S. Patent No. 5,463,663.

Regarding claim 8, however the above-mentioned prior art does not teach means (“abnormal time interface”) for connecting components in a reset period (“abnormal time”) of a computer;

Maruyama teaches a system/method related to a computer management system, including turning on a signal path of a control signal mutually sent between component electrically connected to a system bus of a back wiring board (SM-BWB) (col 1/lines 44-col 2/line 4 and col 5/lines 7-13), re-starting the operation of internal circuits of the components to operating conditions when the control signal is received (reset signal) (col 4/lines 45-48 and col 5/lines 40-50), wherein reset actions for the internal circuits of the component are performed, reset actions are finished after a prescribed time (col 7/lines 2-15), wherein a control signal is supplied by the resetted component to another component via said system bus (SM-BWB) and the signal path (instruction information) of control signal in the other component is changed to the low level, i.e. as to be accessible to the other component via the control signal on the system bus (col 7/lines 48-col 8/line 10);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Cromer-1 wherein upon a reset typically access to the main memory containing the BIOS for controlling the basic operation of the hardware is performed, to utilize Maruyama’s teachings for connecting components via an operable communication path through the system management bus. The combined teachings would enable one ordinary skilled in the art to implement means (“abnormal time access interface”) for connecting the main memory to said management bus at an powered off period of time “non-activation time” for accessing the BIOS or initialization settings on other memories (“information storing means”) accessible via the system management bus, such as those taught by Cromer including disk drives, programmable, random access memories. Motivation to combine the teachings of Maruyama with would to restart operation between computer components accessible via the system bus without interrupting the operation of other components.

**Pertinent Prior Art:**

11. The following prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Pertinence is presented in accordance with MPEP§ 707.05. Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

U.S. Patent No. 5,398,280 (03-1995)

MacConnell teaches a system/method related to communication between terminals for managing a computer by a computer terminal remotely including a wireless communication interface capable of wireless communication with said terminal; computers storing their address for detecting coincidence between their address and the address of a received message broadcast over a wireless communication medium, and returning a response to said received message when said coincidence is determined and displaying that said computer is connected to said terminal on a display when a response indicating that said computer system is connected to said terminal is returned to said terminal.

U.S. Patent No. 5,974,238 (10-1999)

Chase, Jr. teaches communication between a computer system and a terminal, including a wireless communication interface capable of wireless communication with said terminal and performing system management between said terminal and said computer system through said wireless communication.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

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or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".

  
B. Prieto  
TC 2100  
Patent Examiner  
February 28, 2004